IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1156 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

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ANILKUMAR BHAILAL BHAI KARIA

Versus

REGISTRATION AUTHORITY & REGIONAL TRANSPORT OFFICER

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Appearance:

M/S THAKKAR ASSOC. for Petitioner

MR P.G.DESAI, PUBLIC PROSECUTOR for Respondent No. 2

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 13/10/97

ORAL JUDGEMENT

Rule. Mr. P.G. Desai, learned P.P., waives service of rule.

The grievance is that though in response to the notice a detailed reply was sent, the impugned order is passed on the basis that neither reply is sent nor any material is produced. Virtually, therefore, the matter has proceeded

ex-parte before the R.T.O., Rajkot.

In order to take care of this situation, the matter is sent back to the authority after setting aside the impugned order. The petitioner shall be given an opportunity of presenting their side of the matter before the respondent authority for which purpose they shall present themselves before the said authority on 10.11.1997 and produce all the material and reply, if any. The authority shall receive the same and either decide the matter by giving an opportunity of personal hearing on that very day or on the next date that may be fixed by the authority. In any case, the matter should be disposed of on or before 30.11.1997.

The impugned order is, therefore, set aside. The authority shall pass order in accordance with law taking into consideration the material produced and considering merits of the matter. The petitioner shall cooperate with the authority and shall not unnecessarily delay the matter. Rule is made absolute accordingly.